

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

Carita Burns and John Burns,)
)
Plaintiffs,)
vs.) Case No. 1:18-CV-00194-DLH-CRH
)
Secure Energy Services, Inc., Secure Energy Services, USA, LLC, Eugene Davis, and Keith Daniel Klein,) **STIPULATION TO AMEND
SCHEDULING/DISCOVERY PLAN**
)
Defendants.)

Pursuant to Rule 26(f) and the Court's Order dated October 9, 2019 (Doc. ID #34), counsel for the parties certify that they have conferred to discuss the need to extend certain deadlines set forth in the Scheduling/Discovery Plan (Doc. ID #13). Plaintiffs Carita Burns and John Burns and Defendants Secure Energy Services, Inc., Secure Energy Services, USA, LLC, Eugene Davis, and Keith Daniel Klein (collectively "Parties"), by and through their respective counsel, hereby stipulate and agree to request that the Scheduling/Discovery Plan be amended as follows:

1. The parties shall make by January 14, 2019, Rule 26(a)(1) disclosures including preliminary identification of witnesses, evidence, damage calculations, and the production of the insurance contract(s).
2. The issues on which the parties need to conduct discovery are liability and damages. Discovery will occur through interrogatories and depositions of fact witnesses and need not be conducted in phases.

3. The parties shall have until **May 1, 2020** to complete fact discovery and to file discovery motions.

4. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows: **Plaintiffs' expert disclosures shall be due May 1, 2020.** Treating physicians need not prepare reports, only qualifications, unless they will express opinions not reflected in the medical records. **Defendants' expert disclosures shall be due June 1, 2020.** Reports will be served on other parties, but not filed with the court.

5. The parties shall have until **August 1, 2020** to complete discovery depositions of expert witnesses.

6. The parties shall have until July 12, 2019, to move to join additional parties.

7. The parties shall have until July 12, 2019, to move to amend pleadings to add claims or defenses, including claims for punitive damages.

8. The parties shall have until July 12, 2019, to file other nondispositive motions (e.g., consolidation, bifurcation).

9. The parties shall have until March 13, 2019, to file threshold motions (e.g., jurisdiction, qualified immunity, statute of limitations).

10. The parties shall have until **June 1, 2020** to file other dispositive motions (summary judgment as to all or part of the case).

11. Each party shall serve no more than 25 interrogatories, including subparts. (the case is fact intensive).

12. Each party shall take no more than 10 discovery depositions, except for good cause shown.

13. Depositions taken for presentation at trial shall be completed 2 weeks before trial.

14. Counsel have discussed between themselves and explored with their clients, early involvement in alternative dispute resolution. The following option(s) would be appropriate in this case.

arbitration

mediation (choose one):

private mediator

court-hosted early settlement conference-should the conference be held before a judge who will not be the trial judge?

yes

doesn't matter

early neutral evaluation before (choose one):

judge other than trial judge

neutral technical expert

neutral attorney

other (specify) _____

none (explain reasons): N/A

The parties shall be ready to evaluate the case for settlement purposes by **March 10, 2020**. The court reminds the parties that early involvement in ADR is voluntary, not mandatory. Participation in ADR is encouraged by the court but is not required except for a settlement conference shortly before trial.

15. A mid-discovery status conference would not be helpful in this case.

16. The parties will not voluntarily waive their rights to proceed before a district judge and consent to have a magistrate judge conduct any and all further proceedings in the case, including the trial, and order the entry of a final judgment.

17. Trial of this case will be jury.

18. The estimated length of trial is 5 days.

Dated: October 15, 2019.

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Dated: October 15, 2019.

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Dated: October 15, 2019.

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ORDER

The court **ADOPTS** the parties' stipulation to amend the scheduling and discovery plan without any additions or modifications.

IT IS SO ORDERED.

Dated this 16th day of October, 2019.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court